

**UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NEW YORK**

ONY, INC.)
)
 Plaintiff,)
)
v.) Case No. 1:11-cv-01027-WMS
)
CORNERSTONE THERAPEUTICS, INC., et al.)
)
 Defendants.)
-----)

**NOTICE OF MOTION AND DEFENDANTS' UNOPPOSED MOTION TO EXTEND
TIME TO RESPOND TO PLAINTIFF'S CROSS-MOTION TO AMEND ITS
COMPLAINT**

Defendants Cornerstone Therapeutics, Inc., Chiesi Farmaceutici S.p.A., Nature America, Inc., Edward E. Lawson, M.D., American Academy of Pediatrics, Premier, Inc., Rangasamy Ramanathan, Jatinder Bhatia, Frank R. Ernst, and Krishnamurthy Sekar. (“Defendants”) move for an order extending their time to respond to Plaintiff’s cross-motion to amend its Complaint (Doc. 53) (“Cross-Motion”) until February 24, 2012. Plaintiff ONY, Inc. does not oppose this Motion.

In support of this Motion, Defendants state:

1. Plaintiff filed its Cross-Motion on February 3, 2012. On February 6, 2012, Plaintiff filed a declaration in support of the Cross-Motion (Doc. 68). On February 16, 2012, Plaintiff filed another declaration in support of its Cross-Motion, along with a proposed amended complaint (Doc. 81). All of these papers were served on Defendants’ counsel by CM/ECF.

2. The Court has not set a briefing schedule for the Cross-Motion. Therefore, under Local Rule 7(b)(2) and Fed. R. Civ. P. 5(b)(2)(E), Defendants' deadline to respond to the Cross-Motion is February 21, 2012.

3. Counsel for Defendants Nature America, Inc. and Edward E. Lawson has conferred with counsel for Plaintiff, Mitchell J. Banas, Jr., with respect to this motion. In light of Plaintiff's filing today a supplemental declaration and proposed amended complaint in support of the Cross-Motion, Defendants have requested and Plaintiff has agreed to extend Defendants' time to respond to the Cross-Motion until Friday, February 24, 2012.

For these reasons, Defendants respectfully request an extension until February 24, 2012 of their deadline to respond to Plaintiff's cross-motion to amend its Complaint.

Dated: February 16, 2012

Respectfully submitted,

FOR DEFENDANTS

s/Lauren E. Handel

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Counsel for Defendants Premier, Inc. and Frank R. Ernst and as authorized by and on behalf of Defendants Cornerstone Therapeutics, Inc., Chiesi Farmaceutici S.p.A., Nature America, Inc., Edward E. Lawson, M.D., American Academy of Pediatrics, Randasamy Ramanathan, Jatinder Bhatia, and Krishnamurthy Sekar

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Certificate of Service

I hereby certify that on February 16, 2012, I electronically filed a Notice Of Motion And Defendants' Unopposed Motion To Extend Time To Respond To Plaintiff's Cross-Motion To Amend Its Complaint with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participant on this case:

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